

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)
)
 v.) Case No.: 3:06cr126-WHA
)
 JOHN JENNINGS, II)

RESPONSE TO THE GOVERNMENT'S MOTION FOR DETENTION

COMES NOW the Defendant, John Jennings, II, by and through undersigned counsel, Kevin L. Butler, and submits this response to Government's Motion to Close Evidentiary Hearing. In support of this motion, Defendant would show:

1. On December 7, 2006, this Court recessed an evidentiary hearing in this matter so as to allow: (1) a defense expert time to complete her psychological report and (2) give the government an opportunity to review the report prior to cross-examination of the defense expert.
2. On January 5, 2007, the government filed a Motion to Close Evidentiary Hearing.
3. As a result of time constraints related to the Christmas and New Year holidays, Dr. Catherine Boyer was unable to complete her report until Thursday, January 11, 2007.
4. On January 11, 2007, undersigned counsel faxed the government the evaluation and hand delivered a copy of the report to government counsel on January 12, 2007.
5. In light of the fact that any delay was not intentional and any prejudice to government has been minimal¹, the defense would ask that the hearing not be closed and, at the Court's convenience, this matter reset for the conclusion of the suppression hearing.

Dated this 12th day of January 2007.

¹ A psychiatric evaluation of Mr. Jennings has already been completed by the Federal Bureau of Prisons.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond, Esquire
Assistant United States Attorney
One Court Square, Suite 201
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Respectfully submitted,

s/ Kevin L. Butler
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